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Of Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

LARRY BALCOM, an individual, by and through his attorney-in-fact,
MARY BARNES, attorney-in-fact for Larry Balcom,

Plaintiffs,

vs.

CLINTON PETERSON and **APRIL PETERSON**, a married couple, and **FORECLOSURE HELP, L.L.C.**, an Idaho Limited Liability Company, **TRUSTED HOME OFFER, L.L.C.**, an Idaho Limited Liability Company, and **JOHN & JANE DOES 1-5**,

Defendants.

Case No. 3:23-cv-00528-SB

DECLARATION OF APRIL PETERSON IN SUPPORT OF DEFENDANTS' RESPONSES TO: (1) MOTION FOR PROVISIONAL PROCESS AND PRELIMINARY INJUNCTION; (2) MOTION TO VACATE PROTECTIVE ORDER; AND (3) MOTION TO COMPEL AND MOTION FOR SANCTIONS

I, April Peterson, hereby declare the following under penalty of perjury:

1. I am a former member of Foreclosure Help, LLC (“FH”), and I am a representative of both FH and Trusted Home Offer, LLC (“THO”), defendants in the above-captioned matter. I was a member of FH from 2019 until April of 2020. Although my husband Clinton is the sole member of FH, I was actively involved in FH’s business operations until it was dissolved December of 2023. I am also actively involved in THO’s business operations.

2. I am over the age of eighteen (18) and make this Declaration based on personal knowledge, and would testify to the same if called to do so.

3. I provided deposition testimony in this matter as the custodian of records of FH and THO. Likewise, I was primarily responsible for the production of documents, including bank statements, that Plaintiffs requested from FH and THO.

4. My husband Clinton Peterson and I own membership interests in companies that are generally involved in the real estate business, some of which have been dissolved while others remain active for a variety of reasons. FH was dissolved in December of 2023, while THO remains active. Our primary source of income comes from operating our business entities which buy, remodel, and sell real estate. If we are unable to operate our businesses and continue buying and selling real estate, we would not be able to afford our household expenses or pay our liabilities as they become due.

5. The companies my husband and I own do their banking at Idaho Central Credit Union (“ICCU”), as do my husband and I in our personal capacities. I discovered while obtaining and producing bank records in this case that ICCU creates bank statements containing our personal and business accounts are displayed in the same statement, with some accounts displayed on the same page as records pertaining to another company, or to us individually. This initially caused concern because while I am amenable to producing the FH bank records, I wanted to maintain the privacy of the companies which are not involved in this case, as well as the privacy of our personal household expenses.

6. I have been asked for, and have produced the same documents numerous times, as I understood there are disagreements between counsel about which information in the bank statements is to be revealed, and which information is to be withheld. In what I believe was my final effort to produce bank statements, I whited out information that I felt was private and irrelevant to this case while providing information I understood—after discussion with counsel—needed to be provided. I provided these documents to my prior attorney, Jeanne Sinnott, who I understand made additional redactions before providing them to Plaintiffs’ counsel.

7. Plaintiffs' counsel subsequently took my deposition and asked me about the bank statements that I had partially whited out. When Mr. Scannell asked me, "you didn't make any changes or alterations to these documents other than the white blank-out and the changes that Ms. Sinnott made, correct?", I answered in the affirmative because this was the truthful response. By answering in the affirmative, I was acknowledging that I had made the "white blank-outs" to the documents and that, beyond the additional redactions made by Ms. Sinnott, I had not made further changes or alterations to the documents.

8. This case is the first time I have been involved in civil litigation other than an eviction matter. At all times, I believed I was complying with defendants' obligations to produce records in this case. I have come to understand that civil litigants should not white out portions of documents before producing them, even if they believe such materials are private and irrelevant to the pending litigation. I still believe the materials I "whited out" are private and irrelevant to the issues in dispute in this litigation, however I now understand that this is a matter I should have discussed with my attorney before whiting out portions of the bank statements.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE
UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: June 23, 2024.



april peterson (Jun 23, 2024 17:42 AKDT)
April Peterson, Declarant

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **DEFENDANTS' RESPONSE TO MOTION FOR PROVISIONAL PROCESS AND PRELIMINARY INJUNCTION** on the attorney or party listed below on the date set forth below by the method(s) indicated:

Mr. Terry Scannell
Scannellaw
7307 SW Beveland Rd Ste 200
Portland OR 97223
terry@scannellaw.com

- First-class mail, postage prepaid.
- Facsimile.
- Hand-delivery.
- Overnight courier, delivery prepaid.
- E-mail.
- E-mail copy, as a courtesy only.
- ECF/PACER.
- Other.

Dated: June 23, 2024

ELEVATE LAW GROUP

/s/ Nicholas J. Henderson

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